

ZB# 01-71

Lou DiCocco

80-1-21

Prelim.

Dec. 17, 2001.

Public Hearing:

Feb. 25, 2002.

Variance

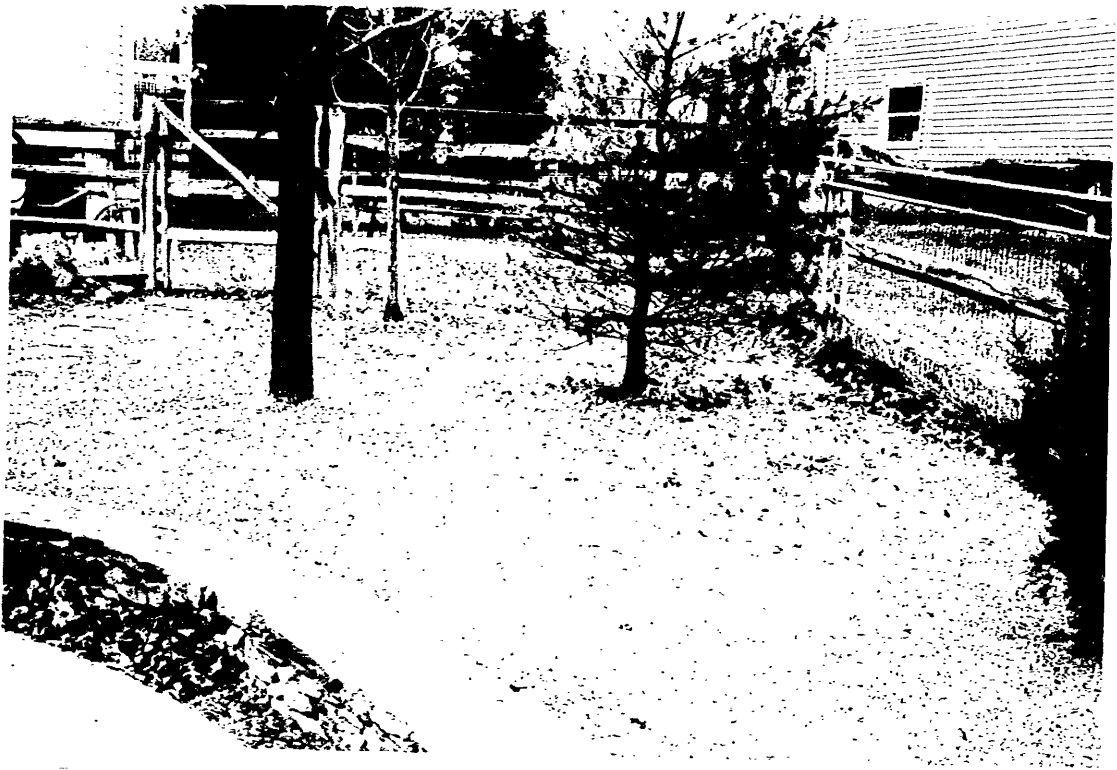
Granted.

Refund \$208.00

#01-71 Di Cocco, Lou

Area 80-1-21.







#01-11 - Discovery
Area SO-1-21.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: DiCocco

FILE# 01-71

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE ---

APPLICATION FOR VARIANCE FEE \$ 50.00

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 12/17/01 - 2 \$ 9.00

2ND PRELIMINARY- PER PAGE \$ ---

3RD PRELIMINARY- PER PAGE \$ ---

PUBLIC HEARING - PER PAGE 2/25/02 - 3 \$ 13.00

PUBLIC HEARING (CONT'D) PER PAGE \$ ---

TOTAL \$ 92.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 12/17/01 \$ 35.00

2ND PRELIM. \$ ---

3RD PRELIM. \$ ---

PUBLIC HEARING 2/25/02 \$ 35.00

PUBLIC HEARING (CONT'D) \$ ---

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ ---

TOTAL \$ 92.00

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$ ---

REFUND DUE TO APPLICANT .. \$ 208.00

Date March 12, 2001

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Luigi DiCiccio DR.
90 Guernsey Drive New Windsor NY 12553

DATE		CLAIMED		ALLOWED
3/11/02	Refund of Escrow Deposit	208	-	
	# 01-71			

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4811

**RECEIPT
#93-2002**

01/28/2002

DiCocco, Luigi

Received \$ 50.00 for Zoning Board Fees, on 01/28/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



LUIGI A. DICOCCO
LINDA DICOCCO
90 GUERNSEY DRIVE
NEW WINDSOR, NY 12553

1-108/210

257

Date

1/28/02

Pay to the
order of

Loopy of New Windsor \$300.00
Three hundred xx/100

Dollars



Security Features
Detailed on Back

HSBC BANK, USA
WOLF ROAD OFFICE
95 WOLF ROAD
ALBANY, NEW YORK 12205

For

Variance #01-71

ZBA

Linda Di Cocca

⑆021001088⑆118773267⑈ 0257

CHECKS UNLIMITED COUNTRY CLUB
TO REQUEST 1-800-261-7111



LUGI A. DiCOCCO
LINDA DiCOCCO
90 GUERNSEY DRIVE
NEW WINDSOR, NY 12553

1-108/210

256

Date

1/28/02

Pay to the
order of

Town of New Windsor \$50.00
fifty

Dollars



Secure Features
Feature in Bank

HSBC BANK, USA
WOLF ROAD OFFICE
95 WOLF ROAD
ALBANY, NEW YORK 12205

For

variance #01-71. Linda DiCocco

⑆021001088⑆118773267⑆ 0256

-----X

In the Matter of the Application of

LUIGI DI COCCO

MEMORANDUM
OF DECISION
GRANTING VARIANCE

#01-71.

-----X

WHEREAS, LUIGI DI COCCO, 90 Guernsey Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 7.5 ft. side yard variance to allow placement of a shed, in a CL-1 zone; and

WHEREAS, a public hearing was held on the 25th day of February, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The Applicant seeks to erect a shed in his side yard.

(c) The shed is similar to the size and shapes of other sheds in the neighborhood.

(d) The Applicant seeks to locate the shed on a portion of the property so as to maximize its use and because it is the safest place on the property to locate the shed.

(e) The shed will not create any water hazards or affect the run off or drainage of water from the property.

(f) The lot is peculiarly shaped.

(g) The shed will not be built on top of any water or sewer easement or well or septic system.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

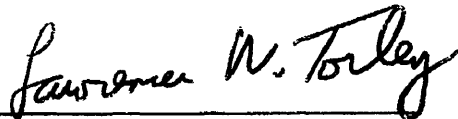
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7.5 ft. side yard variance for placement of a shed at the above location, in a CL-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2002.

A handwritten signature in cursive script, reading "Lawrence W. Torley", written over a horizontal line.

Chairman

Date 3/4/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
2/25/02	Zoning Board Mtg		75 00	
	Misc - 3			
	Handy - 1			
	Caldwell - 3			
	Summit-on-Hudson - 3			
	Strategic Real Estate - 2			
	Foley - 4			
	Curtain - 4			
	Diloro - 3			
	Searing - 9			
	Hong - 4		175 52	
	Delaney - 3		250 00	
	39			

DICOCCO, LUIGI

MR. TORLEY: Request for 7.5 ft. side yard variance for ~~existing~~ shed at 90 Guernsey Drive in a CL-1 zone.

Mr. DiCocco appeared before the board for this proposal.

MR. DICOCCO: It's not an existing shed, it's for a new shed.

MR. TORLEY: Anyone in the audience who wishes to speak on this matter? Seeing none, please so note. So, what's your problem?

MR. DICOCCO: I'm looking to construct a shed and I don't have the adequate side yard ten foot that's required.

MR. REIS: Was there ever a shed in this area?

MR. DICOCCO: No.

MR. KANE: Other homes in your neighborhood have sheds?

MR. DICOCCO: Yes.

MR. KRIEGER: Similar?

MR. DICOCCO: Yeah, similar in size and shape.

MR. TORLEY: Is there a reason that it cannot be located on a lot in an area that would meet the zoning code?

MR. DICOCCO: No, not that I can see, I submitted some pictures and I also submitted some pictures--

MR. TORLEY: So, what's the reason you want to put the shed?

MR. DICOCCO: I have an inground pool and I want to use it for storage supplies, pool storage and that stuff.

MR. KANE: Where you are putting the shed now, is that

the safest place on your property to put the shed?

MR. DICOCCO: Yes.

MR. TORLEY: One thing as a matter of note, sire, you might want to check with the building inspector to ensure that your fencing meets the safety code for pools.

MR. DICOCCO: Okay.

MR. TORLEY: Despite the picture, it may not.

MR. DICOCCO: It has probably not visible, it has wire mesh, split rail fence with a mesh.

MR. TORLEY: Can't see from the picture.

MR. KANE: Where you're going to or looking to put the shed, you're not going to create any water hazards, runoffs along those lines, no easements there?

MR. DICOCCO: No.

MR. KANE: I have to ask for the record. Also for the record, we sent out 76 notices, no responses.

MR. TORLEY: And this is a, would be a shed similar to other sheds in the neighborhood?

MR. DICOCCO: Similar to other sheds in the neighborhood, I'm going to finish it to match the house.

MR. TORLEY: This is the only feasible location because of the pool?

MR. DICOCCO: Because of the pool, correct.

MR. TORLEY: And have you spoken to your neighbors about this and no objection?

MR. DICOCCO: No.

MR. KRIEGER: Your lot is basically almost pie shaped,

is that correct?

MR. DICOCCO: Yes, that's my house and the shed would be in that corner where that tree is right there.

MR. RIVERA: Thank you.

MR. TORLEY: And the shed would allow you more safety storage to handle the pool chemicals?

MR. DICOCCO: Yeah, right now, we have to keep them in the garage.

MR. REIS: Accept a motion?

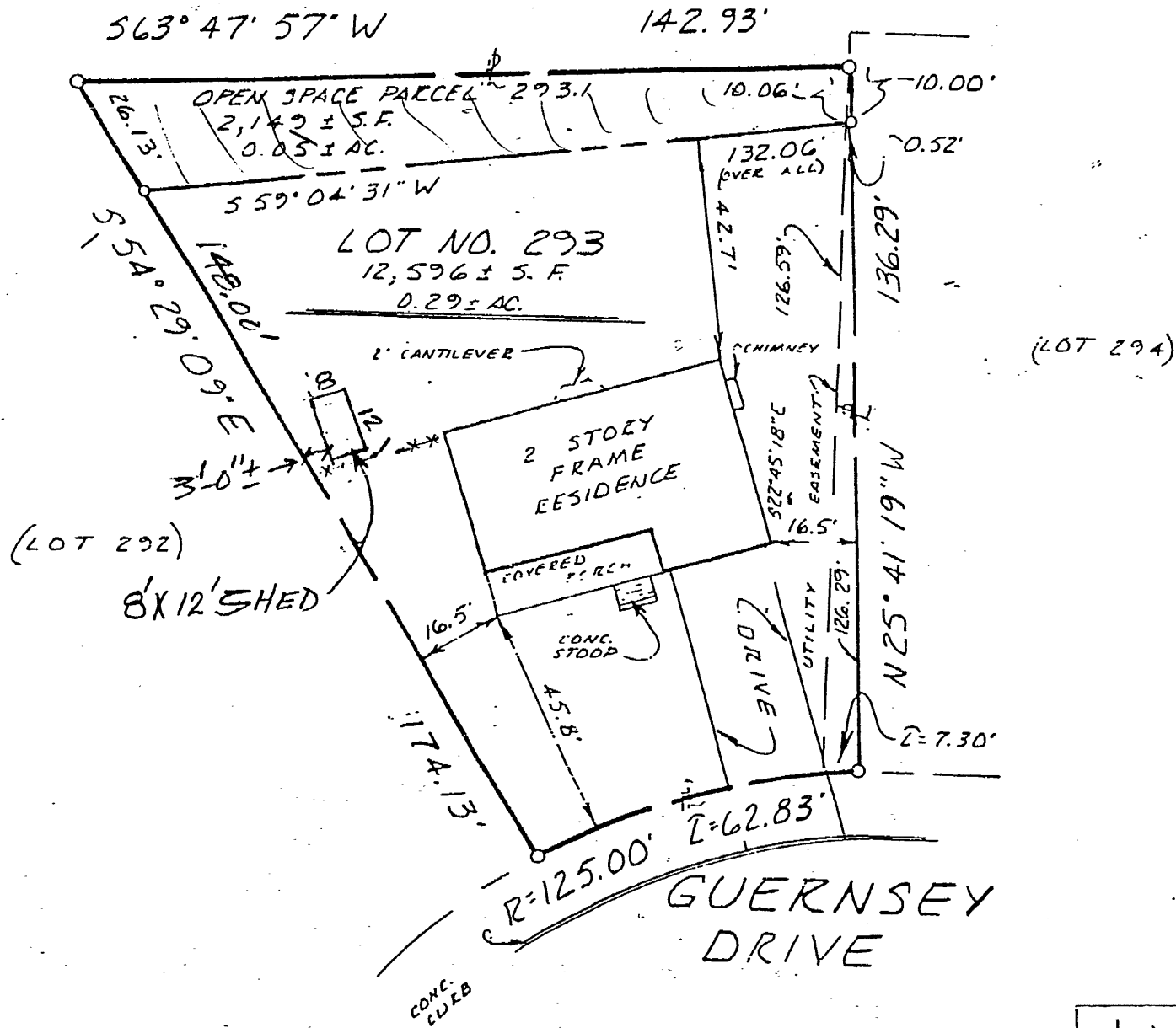
MR. TORLEY: Yes.

MR. REIS: Make a motion that we grant Mr. DiCocco's request for 7 1/2 foot side yard variance for 90 Guernsey Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE



L&L DiCocco
 90 GUERNSEY DR.
 NEW WINDSOR N.Y.

12X8 WOOD SHED
 PLOT PLAN

DATE: 11-05-01

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Dec. 17, 2001.
#01-71

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 11/13/01

APPLICANT: Luigi & Linda DiCocco
90 Guernsey Drive
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/08/01

FOR : 8x12 shed

LOCATED AT: 90 Guernsey Drive

ZONE: CLI Sec/Blk/ Lot: 80-1-21

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-14 A, (1b) Accessory Building shall be set back 10ft from any property line, proposed shed will be 2.5ft from the side yard line. A variance of 7.5ft is required.

Louis J. Kyne
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CLI USE: 8x12 shed

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 10ft

2.5ft

7.5ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

NOV 6 7 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Di Cocco, Luigi & LINDA

Address 90 GUERNSEY DR Phone # 565-5773

Mailing Address NEW WINDSOR NY 12553 Fax # _____

Name of Architect N/A

Address N/A Phone _____

Name of Contractor N/A

Address N/A Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the S side of GUENESSE DRIVE
(N, S, E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X
3. Tax Map Description: Section 80 Block 1 Lot 21
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy 1 Fam. Res. b. Intended use and occupancy 1 Fam. Res.
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other 8x12 WOOD SHED
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 8' Rear 8' Depth 12' Height 8' No. of stories 1
8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use N/A
10. Estimated cost \$ 1,000.00 Fee \$ 50.00

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Michael L. Babcock
(Signature of Applicant)

90 GUERNSEY DRIVE N.W. 12553
(Address of Applicant)

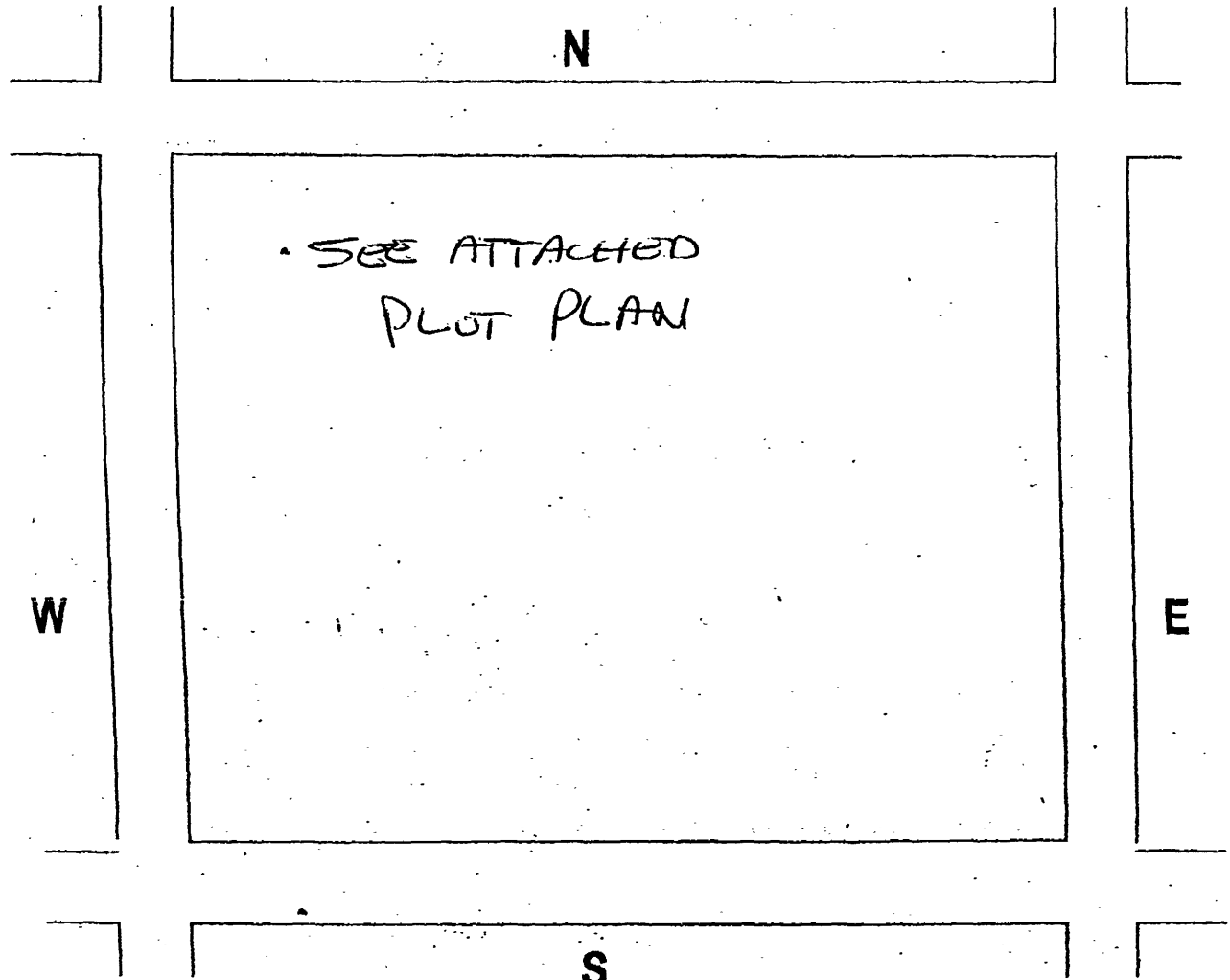
Michael L. Babcock
(Owner's Signature)

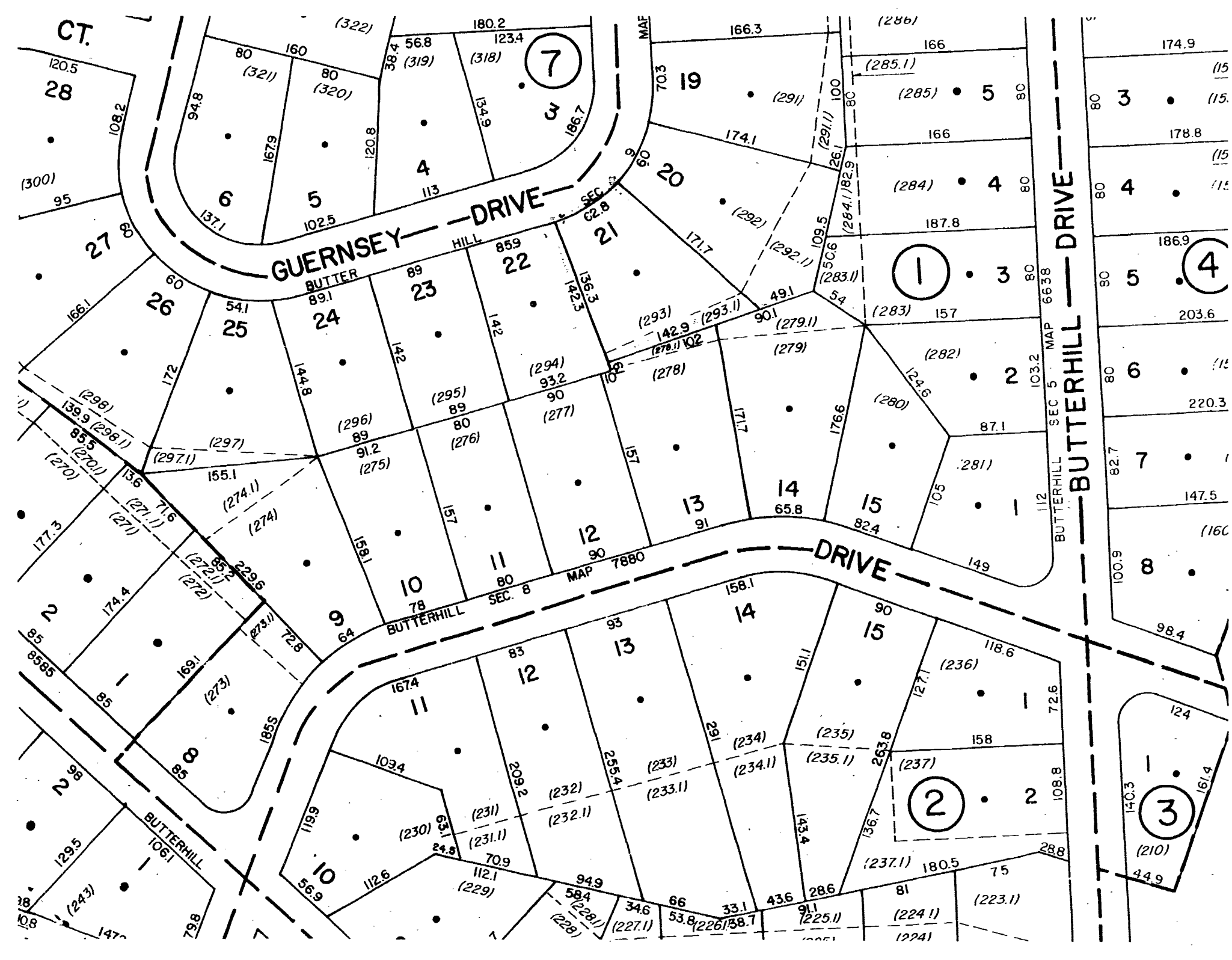
90 GUERNSEY DRIVE N.W. 12553

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

December 27, 2001

76

Luigi DiCocco
90 Guernsey Drive
New Windsor, NY 12553

Re: 80-1-21

Dear Mr. DiCocco:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

R. Cook / (JRD)

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

78-9-1
Joseph & Milagros Arce
322 Butternut Drive
New Windsor, NY 12553 X

78-9-20
Dorothy & Herman Soloway
148 Sussex Street
Jersey City, NJ 07302 X

78-9-21
Maureen & Michael Busweiler
219 Dairy Lane
New Windsor, NY 12553 X

78-9-22
Perry & Robert Smith
221 Dairy Lane
New Windsor, NY 12553 X

80-1-1
Kenneth Louis Jeune &
Madeline Monroig
215 Butterhill Drive
New Windsor, NY 12553 X

80-1-2
Elia & Charles Flynn
213 Butterhill Drive
New Windsor, NY 12553 X

80-1-3
Lizette & Michael Fulco
211 Butterhill Drive
New Windsor, NY 12553 X

80-1-4
Carol & Andrew Elstob
209 Butterhill Drive
New Windsor, NY 12553 X

80-1-5
Lydia & Joseph Hart
207 Butterhill Drive
New Windsor, NY 12553 X

80-1-6
Dimple & Samir Patel
205 Butterhill Drive
New Windsor, NY 12553 X

80-1-7
Karen & Michael Pospisil
203 Butterhill Drive
New Windsor, NY 12553 X

80-1-8
Maureen & James Noble
340 Butternut Drive
New Windsor, NY 12553 X

80-1-9
Anthony Wandell
338 Butternut Drive
New Windsor, NY 12553 X

80-1-10
Melinda & Edward Velasquez
336 Butternut Drive
New Windsor, NY 12553 X

80-1-11
Heidi & Farrel Tannenbaum
334 Butternut Drive
New Windsor, NY 12553 X

80-1-12
Maureen & Alan Scheck
332 Butternut Drive
New Windsor, NY 12553 X

80-1-13
Nancy & Michael Bell
330 Butternut Drive
New Windsor, NY 12553 X

80-1-14
Venus & Anthony Sanchez
328 Butternut Drive
New Windsor, NY 12553 X

80-1-15
Sherri & Raymond Bosse
326 Butternut Drive
New Windsor, NY 12553 X

80-1-16
Christina & Boris Lonkewycz
33 Guernsey Drive
New Windsor, NY 12553 X

80-1-17
Kathleen & William Vacca
P.O. Box 4013
New Windsor, NY 12553 X

80-1-18
Maria & Mark Woinicki Sr.
96 Guernsey Drive
New Windsor, NY 12553 X

80-1-19
Lisa & Richard Dewsnap
94 Guernsey Drive
New Windsor, NY 12553 X

80-1-20
Louis Hernandez &
Iris D. Cordero- Hernandez
92 Guernsey Drive
New Windsor, NY 12553 X

80-1-22
Edith Anne Dyer &
Norman Nowosinski
88 Guernsey Drive
New Windsor, NY 12553 X

80-1-23
Pamela & John Barth
86 Guernsey Drive
New Windsor, NY 12553 X

80-1-24
Rose & Robert Jurik
84 Guernsey Drive
New Windsor, NY 12553 X

80-1-25
Leslie & Roland Motard
82 Guernsey Drive
New Windsor, NY 12553 X

80-1-26
Benita & Daniel Cremins
80 Guernsey Drive
New Windsor, NY 12553 X

80-1-27
Kim Resch &
Pamela Freeman- Resch
78 Guernsey Drive
New Windsor, NY 12553 X

80-1-28
Barbara Reed
76 Guernsey Drive
New Windsor, NY 12553 X

80-1-41
Mary Ann Neroda &
Michael Armida
58 Guernsey Drive
New Windsor, NY 12553 X

80-2-11
Raelynn Engan
Charles Moore
333 Butternut Drive
New Windsor, NY 12553 X

80-1-29
Rose & Kevin Cummings
3 Jersey Court
New Windsor, NY 12553 X

80-1-42
Nancy & Charles Hatala
56 Guernsey Drive
New Windsor, NY 12553 X

80-2-12
Carol & Richard Keber
331 Butternut Drive
New Windsor, NY 12553 X

80-1-33
Barbara & Thomas Horne
2 Jersey Court
New Windsor, NY 12553 X

80-1-43
Teresa Albaugh
201 Butterhill Drive
New Windsor, NY 12553 X

80-2-13
Patricia & Craig Wood
329 Butternut Drive
New Windsor, NY 12553 X

80-1-34
Joann & Charles Pulliam
72 Guernsey Drive
New Windsor, NY 12553 X

80-2-1
Rosemarie & Robert Meyers
217 Butterhill Drive
New Windsor, NY 12553 X

80-2-14
Colleen & Keith Schaefer
327 Butternut Drive
New Windsor, NY 12553 X

80-1-35
Joanne & Robert Coleman
70 Guernsey Drive
New Windsor, NY 12553 X

80-2-2
Ellen & Peter Chiavaro
219 Butterhill Drive
New Windsor, NY 12553 X

80-2-15
Audrey & Joseph Addo
325 Butternut Drive
New Windsor, NY 12553 X

80-1-36
Elizabeth Discala
68 Guernsey Drive
New Windsor, NY 12553 X

80-2-6
Theresa & Gary Hall
88 Creamery Drive
New Windsor, NY 12553 X

80-3-1
Luann Serrano &
Paul Decker
323 Butternut Drive
New Windsor, NY 12553 X

80-1-37
Nora & Robert Bush
66 Guernsey Drive
New Windsor, NY 12553 X

80-2-7
Deirdre & Andres Washington
90 Creamery Drive
New Windsor, NY 12553 X

80-4-1
Kathleen & Brian Doyle
202 Butterhill Drive
New Windsor, NY 12553 X

80-1-38
Maria & Victor Perez
64 Guernsey Drive
New Windsor, NY 12553 X

80-2-8
Gayann & Frank Puleo
92 Creamery Drive
New Windsor, NY 12553 X

80-4-2
Margaret Elstob
Peter Stukonis
204 Butterhill Drive
New Windsor, NY 12553 X

80-1-39
Peggy & Randolph Wolfe
62 Guernsey Drive
New Windsor, NY 12553 X

80-2-9
Cynthia Weiss &
Joseph Olivo
94 Creamery Drive
New Windsor, NY 12553 X

80-4-3
Cynthia & Roy Gutshall
705 Mara Drive
Blue Bell, PA 19422 X

80-1-40
Tina & John Reilly
60 Guernsey Drive
New Windsor, NY 12553 X

80-2-10
Gloria Feinstein
335 Butternut Drive
New Windsor, NY 12553 X

80-4-4
Herbert & Ava Benjamin
208 Butterhill Drive
New Windsor, NY 12553 X

80-4-5
Linda Pulz &
Anthony DiLorenzo
210 Butterhill Drive
New Windsor, NY 12553

X

80-7-8
Jayne & Kevan Schaum
39 Guernsey Drive
New Windsor, NY 12553

X

80-4-6
John Fox
212 Butterhill Drive
New Windsor, NY 12553

X

80-7-9
James & Diane Casseell- Smith
37 Guernsey Drive
New Windsor, NY 12553

X

80-4-7
Leslie C. Hynes &
John Guido
214 Butterhill Drive
New Windsor, NY 12553

X

80-8-1
Lisa & Anthony Albarino
100 Creamery Drive
New Windsor, NY 12553

X

80-4-8
Donna & Donald Bigi
216 Butterhill Drive
New Windsor, NY 12553

X

80-8-2
Deborah & Victor Maldonado
102 Creamery Drive
New Windsor, NY 12553

X

80-7-1
Rochelle Amigo
53 Guernsey Drive
New Windsor, NY 12553

X

80-8-3
Debra Anderson
104 Creamery Drive
New Windsor, NY 12553

X

80-7-2 ; 80-7-6
Jennie, Iole & Dominick Vinci
497 Franklin Street
Rye Brook, NY 10573

X

80-8-4
Nancy & Freddy Olan
106 Creamery Drive
New Windsor, NY 12553

X

80-7-3
Valeria Milkova & Dusan Milko
49 Guernsey Drive
New Windsor, NY 12553

X

80-7-4
Melissa Riggins &
Nicholas Morris
47 Guernsey Drive
New Windsor, NY 12553

X

80-7-5
John Carpenter
272 Quassaick Avenue
New Windsor, NY 12553

X

80-7-7
Kim & Kevin White
41 Guernsey Drive
New Windsor, NY 12553

X

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

Lungi & Linda Di Ceas

#01-71

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 5th day of February, 2002, I compared the 76
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public

Pls. publish immediately. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 71.

Request of LUIGI & LINDA Di Cocco

for a VARIANCE of the Zoning Local Law to Permit:

12X8 STORAGE SHED TO BE 7.5 FT.
FROM THE SIDE YARD LINE

being a VARIANCE of Section 48-14A, (1b) - Supp. Yard
Reqs.

for property situated as follows:

90 GILVERNEY DR, New Windsor NY 12553

known and designated as tax map Section 80, Blk. 1 Lot 21

PUBLIC HEARING will take place on the 25th day of February,
2002, at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

Date 1/4/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

DATE			CLAIMED	ALLOWED
12/12/01	NEW Zoning Board		75.00	
	Misc. 3			
	Lacurto - 3			
	Curtin - 4			
	Carlone - 2			
	Pflierger - 2			
	S'hreft - 4			
	Bomaine - 3			
	DiCorio - 2			
	Betric - 2			
	Sisters of the Presentation - 3			
	<u>28</u>			
			126.00	
			201.00	

DICOCCO, LOU

MR. TORLEY: Request for 7.5 ft side yard variance to allow a shed at 90 Guernsey Drive in a CL-1 zone.

Mr. DiCocco appeared before the board for this proposal.

MR. DICOCCO: I want to build a little shed on the side of the, 12 x 8, for supplies and equipment and I don't have the adequate--

MR. KANE: What size shed?

MR. DICOCCO: 12 x 8, that's the maximum.

MR. TORLEY: And your lot would not permit you to put the shed someplace where it meets the zoning?

MR. DICOCCO: It will be in the middle of the pool.

MR. KANE: He's got to be by New York State law at least 4 foot off the walk from that shed.

MR. DICOCCO: Yeah, I'm plenty.

MR. TORLEY: This is an aerial photograph of--

MR. DICOCCO: This is my house.

MR. TORLEY: So you have an inground pool, obviously, you can't move the pool and the shed has to be four feet away.

MR. DICOCCO: That's not a problem.

MR. TORLEY: Not over any sewer lines or easements?

MR. DICOCCO: No.

MR. KANE: Shed itself is going to be similar in size to other sheds in the neighborhood?

MR. DICOCCO: Yes.

December 17, 2001

21

MR. TORLEY: Not over any easements?

MR. DICOCCO: No.

MR. KANE: Move that we set up a public hearing for Mr. Dicocco at 90 Guernsey Drive for his requested variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-71.

Date: 01-28-02.

I. ✓ Applicant Information:

- (a) LUIGI & LINDA Di COCCO
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) CL1 90 GUERNSEY DR, N.W. 80-1-21
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 6/94
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: CURRENTLY NO OUTSIDE STORAGE. THIS REQUEST IS FOR 12X8 SHED TO BE LOCATED WITHIN 3 FT. OF PROPERTY LINE

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes____ No____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 FT</u>	<u>2.5 FT</u>	<u>7.5 FT</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THIS REQUEST IS FOR A 12X8 STORAGE SHED FOR POOL & YARD SUPPLIES. THERE IS NO OTHER AREA ADJACENT TO POOL WHICH WOULD NOT REQUIRE A VARIANCE. THIS VARIANCE WILL NOT HAVE AN ADVERSE EFFECT ON THE NEIGHBORHOOD

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

THIS VARIANCE WILL NOT IMPACT THE QUALITY, INTENT AND SPIRIT OF THE ZONING. THE PROPOSED SHED WILL BE SIMILAR TO OTHER SHEDS IN THE NEIGHBORHOOD. IT WILL BE FINISHED TO MATCH THE HOUSE.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 12/31/01

STATE OF NEW YORK)

) SS.:


COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.



Sworn to before me this

21 day of December, 2001.

X 
(Applicant)

CHARLES E. DAMON
Notary Public, State of New York
Qualified in Orange County
Registration #01DA6041481
Commission Expires May 8, 2002

XI. ZBA Action:

(a) Public Hearing date: _____



Owner's Policy of Title Insurance

Fidelity National Title Insurance Company
of New York
A Stock Company

POLICY NUMBER 5312- 37331

Title No. RD-33-24265

OWNER'S POLICY OF TITLE INSURANCE

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK, a New York corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

- 1. Title to the estate or interest described in Schedule A being vested other than as stated herein;*
- 2. Any defect in or lien or encumbrance on the title;*
- 3. Unmarketability of the title;*
- 4. Lack of a right of access to and from the land.*

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.


IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK, has caused this policy to be signed and sealed by its duly authorized officers as of Date of Policy shown in Schedule A.

HARDENBURGH ABSTRACT CO.

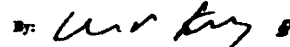
Orange County, Inc.
12 Scotchtown Ave. P.O. Box 638
Goshen, New York 10924
(914) 294-6909 294-5085 343-6678

FIDELITY NATIONAL TITLE INSURANCE COMPANY
OF NEW YORK

Countersigned


Authorized Signature
(PLEASE PRINT NAME)
JAMES V. RINALDI



By: 

President

Attest: 

Secretary

(a) Upon written request by the insured and subject to the provisions of Section 6, of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an insured in litigation in which any third party asserts a claim adverse to the title or interest as insured,

be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties



Fidelity National Title

INSURANCE COMPANY OF NEW YORK

~~Rate \$~~

~~Premium \$~~

POLICY NO. 5312-37331

Title No. RD-33-24265

SCHEDULE A

Date of Policy June 23, 1994

Amount of Insurance \$ 195,000.00

1. Name of Insured: Luigi A. DiCocco and Linda DiCocco

2. The estate or interest in the land which is covered by this policy is: fee simple

3. Title to the estate or interest in the land is vested in: Luigi A. DiCocco and Linda DiCocco by deed dated June 22, 1994 made by Stephen E. Ellis and Lori A. Ellis and recorded in the Orange County Clerk's Office on June 23, 1994 in Liber 4064 page 52.

4. The land referred to in this policy is described as follows: See Schedule "A" attached.

Countersigned

BY

AUTHORIZED SIGNATORY

JAMES V. RINALDI

PRINT NAME HERE

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, being more particularly described as Lot 293 and 293.1 as shown on a map entitled "Final Subdivision Plan, Section 9, Butter Hill" and filed in the Orange County Clerk's Office on March 12, 1987 as Map No. 8150, and more particularly described on the attached Schedule "A".

PROVIDED that the parcel identified as Lot No. 293.1 shall not be built upon and shall not be used for the computation of municipal setback requirements. Lot #293.1 is restricted as an ever-green area.

TOGETHER WITH A RIGHT-OF-WAY over those portions of Guernsey Drive and Guernsey Court as shown on the above-noted map.

BEING a portion of the premises described in that certain deed dated the 27th day of February, 1987 from GEORGE R. KROM, JR. AND DONALD T. KROM to ANDOOM DEVELOPMENT CO., INC., which deed was recorded in the Orange County Clerk's Office on the 1st day April, 1987 in Liber 2886 of Deeds at page 127.

All that certain piece or parcel of land lying, situate any being in the Town of New Windsor, Orange County, N.Y., being Lot No. 293 and Open Space Parcel No. 293.1, as shown on a map entitled "Butter Hill-Section 9", said map having been filed in the Orange County Clerk's Office on 12 March 1987 as Map No. 8150, being more particularly described as follows:

Lot No. 293

BEGINNING at a point in the southeasterly line of Guernsey Drive where said line is intersected by the division line between Lot No. 292 and Lot No. 293, running thence, the following courses:

1. Along said lot line, S 54° 29' 09" E, 148.00' to a point;
2. Along the division line between Lot No. 293 and Open Space Parcel No. 293.1, S 59° 04' 31" W, 132.06' to a point;
3. Along the division line between Lot No. 293 and Lot No. 294, N 25° 41' 19" W, 126.29' to a point in the southeasterly line of Guernsey Drive;
4. Along said street line on a curve to the left having a radius of 125.00' a distance of 62.83' to the point or place of BEGINNING.

CONTAINING 12,596 square feet, 0.29 Acres of land, more or less.

SUBJECT to a utility easement running along the westerly line of the above-described lot being more particularly described as follows:

BEGINNING at a point in the southeasterly line of Guernsey Drive where said line is intersected by the division line between Lot No. 293 and Lot No. 294, running thence, the following courses;

1. Along the southeasterly line of Guernsey Drive on a curve to the left having a radius of 125.00' a distance of 7.30' to a point;
2. Running through the above-described lot, S 22° 45' 18" E, 126.59' to a point in the division line between Lot No. 293 and Open Space Parcel No. 293.1;
3. Along said division line S 59° 04' 31" W, 0.52' to a point in the division line between Lot No. 293 and Lot No. 294;
4. Along said division line, N 25° 41' 19" W, 126.29' to the point or place of BEGINNING.



SCHEDULE B

ALTA OWNER'S POLICY 1990 SCHEDULE B



Fidelity National Title Insurance Company

OF NEW YORK

STANDARD NEW YORK ENDORSEMENT (OWNER'S POLICY)

Attached to and forming a part of Policy No. 5312-37331
of FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

1. The following is added to the insuring provisions on the face page of this policy:

"5. Any statutory lien for services, labor or materials furnished prior to the date hereof, and which has now gained or which may hereafter gain priority over the estate or interest of the insured as shown in Schedule A of this policy."

2. The following is added to Paragraph 7 of the Conditions and Stipulations of this policy:

"(d) If the recording date of the instruments creating the insured interest is later than the policy date, such policy shall also cover intervening liens or incumbrances, except real estate taxes, assessments, water charges and sewer rents."

Nothing herein contained shall be construed as extending or changing the effective date of the policy unless otherwise expressly stated.

This endorsement is made a part of the policy and is subject to the Exclusions from Coverage, Schedules, Conditions and Stipulations therein, except as modified by the provisions hereof.

FIDELITY NATIONAL TITLE INSURANCE COMPANY
OF NEW YORK



By: *W. H. Wimer*
President

Attest: *Charles H. Wimer*
Secretary

PRINT OR TYPE: BLACK INK ONLY

STEPHEN E. ELLIS and LORI A. ELLIS

TO

LUIGI A. DiCOCO and LINDA DiCOCO

SECTION 80 BLOCK 1 LOT 21RECORD AND RETURN TO:
(Name and Address)LARKIN & AXELROD, ESQS.
34 Route 17K
Newburgh, New York 12550ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 57210 DATE 6-22-94 AFFIDAVIT FILED 19INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove ☐
 CH22 Chester ☐
 CO24 Cornwall ☐
 CR26 Crawford ☐
 DP28 Deerpark ☐
 GO30 Goshen ☐
 GR32 Greenville ☐
 HA34 Hamplonburgh ☐
 HI36 Highlands ☐
 MK38 Minisink ☐
 ME40 Monroe ☐
 MY42 Montgomery ☐
 MH44 Mount Hope ☐
 NT46 Newburgh (T) ☐
 NW48 New Windsor ☒
 TU50 Tuxedo ☐
 WL52 Wallkill ☐
 WK54 Warwick ☐
 WA56 Wawayanda ☐
 WO58 Woodbury ☐
 MN09 Middletown ☐
 NC11 Newburgh ☐
 PJ13 Port Jervis ☐
 9999 Hold ☐

SERIAL NO. _____

Mortgage Amount \$ _____

Exempt Yes ☐ No ☐3-6 Cooking Units Yes ☐ No ☐

Received Tax on above Mortgage

Basic \$ _____

MIA \$ _____

Spec. Add. \$ _____

TOTAL \$ _____

CHECK ☒ CASH ☐ CHANGE ☐

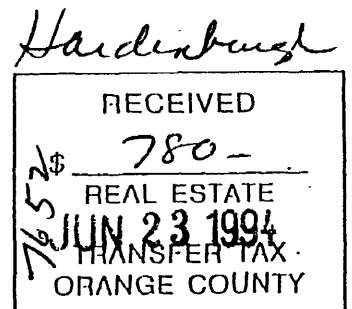
MORTGAGE TAX \$ _____

TRANSFER TAX \$ 780-ED. FUND \$ 5.00RECORD. FEE \$ 17-REPORT FORMS \$ 30-

CERT. COPIES \$ _____

JOAN A. MACCHI
Orange County Clerkby: LS

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on JUN 23 1994at 12:43 O'Clock P M.In Liber/Film 4064 Deedsat page 52 and examined.Joan A. Macchi
County ClerkLIBER 4064 PAGE 52

ORG 06/23/94 12:43:24 29437 47.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 57210 780.00 *

***** SERIAL NUMBER: 007652 *****

33-24265

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 22nd day of June, nineteen hundred and Ninety-four
BETWEEN STEPHEN E. ELLIS and LORI A. ELLIS, both residing at 90 Guernsey
Drive, New Windsor, New York, 12550,

party of the first part, and LUIGI A. DiCOCO and LINDA DiCOCO, both residing at
22 Poplar Street, Cornwall, New York, 12518,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100—

(\$10.00) dollars,
and other good and valuable consideration,
lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor and more particularly described on the
attached Schedule "A" attached hereto.

BEING the same premises described in that certain deed dated July 28, 1987
from ANDOOM DEVELOPMENT CO., INC. to STEPHEN E. ELLIS and LORI A. ELLIS,
Husband and Wife, which deed was recorded in the Orange County Clerk's Office
on August 3, 1987 in Liber 2762 of deeds at page 131.

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, being more particularly described as Lot 293 and 293.1 as shown on a map entitled "Final Subdivision Plan, Section 9, Butter Hill" and filed in the Orange County Clerk's Office on March 12, 1987 as Map No. 8150, and more particularly described on the attached Schedule "A".

PROVIDED that the parcel identified as Lot No. 293.1 shall not be built upon and shall not be used for the computation of municipal setback requirements. Lot #293.1 is restricted as an ever-green area.

TOGETHER WITH A RIGHT-OF-WAY over those portions of Guernsey Drive and Guernsey Court as shown on the above-noted map.

BEING a portion of the premises described in that certain deed dated the 27th day of February, 1987 from GEORGE R. KROM, JR. AND DONALD T. KROM to ANDOOM DEVELOPMENT CO., INC., which deed was recorded in the Orange County Clerk's Office on the 1st day April, 1987 in Liber 2886 of Deeds at page 127.

All that certain piece or parcel of land lying, situate any being in the Town of New Windsor, Orange County, N.Y., being Lot No. 293 and Open Space Parcel No. 293.1, as shown on a map entitled "Butter Hill-Section 9", said map having been filed in the Orange County Clerk's Office on 12 March 1987 as Map No. 8150, being more particularly described as follows:

Lot No. 293

BEGINNING at a point in the southeasterly line of Guernsey Drive where said line is intersected by the division line between Lot No. 292 and Lot No. 293, running thence, the following courses:

1. Along said lot line, S 54° 29' 09" E, 148.00' to a point;
2. Along the division line between Lot No. 293 and Open Space Parcel No. 293.1, S 59° 04' 31" W, 132.06' to a point;
3. Along the division line between Lot No. 293 and Lot No. 294, N 25° 41' 19" W, 126.29' to a point in the southeasterly line of Guernsey Drive;
4. Along said street line on a curve to the left having a radius of 125.00' a distance of 62.83' to the point or place of BEGINNING.

CONTAINING 12,596 square feet, 0.29 Acres of land, more or less.

SUBJECT to a utility easement running along the westerly line of the above-described lot being more particularly described as follows:

BEGINNING at a point in the southeasterly line of Guernsey Drive where said line is intersected by the division line between Lot No. 293 and Lot No. 294, running thence, the following courses;

1. Along the southeasterly line of Guernsey Drive on a curve to the left having a radius of 125.00' a distance of 7.30' to a point;
2. Running through the above-described lot, S 22° 45' 18" E, 126.59' to a point in the division line between Lot No. 293 and Open Space Parcel No. 293.1;
3. Along said division line S 59° 04' 31" W, 0.52' to a point in the division line between Lot No. 293 and Lot No. 294;
4. Along said division line, N 25° 41' 19" W, 126.29' to the point or place of BEGINNING.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

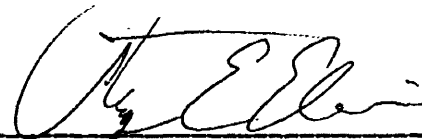
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



STEPHEN L. ELLIS (L.S.)



LORI A. ELLIS (L.S.)

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

STEPHEN E. ELLIS and LORI A. ELLIS

TO

LUIGI A. DiCOCO and LINDA DiCOCO,

SECTION 80
BLOCK 1
LOT 21
COUNTY OR TOWN New Windsor

RETURN BY MAIL TO:

LARKIN & AXELROD, ESQS.
34 Route 17K
Newburgh, New York 12550

Zip No.

Reserve this space for use of Recording Office.

LIBER 4064 PAGE 56